

SC 20466 : SUPREME COURT  
: STATE OF  
CONNECTICUT

HHD-CV-07-4028617-S

NANCY BURTON : SUPERIOR COURT  
v. : JUDICIAL DISTRICT  
REGINA McCARTHY, : OF HARTFORD  
COMMISSIONER, DEPARTMENT :  
OF ENVIRONMENTAL PROTECTION :  
ET AL. : JUNE 8, 2020

HHD-CV-10-5036261-S

NANCY BURTON : SUPERIOR COURT  
v. : JUDICIAL DISTRICT  
DEPARTMENT OF ENVIRONMENTAL : OF HARTFORD  
PROTECTION :  
ET AL. : JUNE 8, 2020

**PLAINTIFF-APPELLANT'S MOTION FOR LEAVE**  
**TO FILE BRIEFS AND APPENDICES *NUNC PRO TUNC***

Nancy Burton, the plaintiff-appellant, herewith moves for leave to file the Brief, Appendix and corrected Reply Brief and Appendix on June 8, 2020.

Plaintiff was directed and requested to file such documents – with “Supreme Court” substituted for “Appellate Court” on the cover pages with the Supreme Court docket number - on or before June 2, 2020.

However, plaintiff has been experiencing technical difficulties with her office technology during the ongoing COVID-19 pandemic and did not become aware of such directives and requests until June 5, 2020.

Plaintiff-appellant sincerely apologizes to the Court and the parties for such circumstances.

Contemporaneously herewith, plaintiff-appellant is filing such documents electronically and serving requisite hard copies of each upon the Court and the parties.

### **Brief History of the Case**

This is an appeal of dismissal by the trial court (Moukawsher, J.) of two cases, consolidated in the trial court, which both concern proceedings by the Connecticut Department of Environmental Protection on application of defendant-appellee Dominion Nuclear Connecticut, Inc. to renew a water discharge permit issued for a five-year term in 1992. Eighteen years later, DEP renewed the permit in 2010 for a further five-year term. The plaintiff-appellant appealed from such decision (Burton v. DEP, HHD-CV-10-5036261-S) and instituted independent proceedings in Burton v. Commissioner, HHD-CV-07-4028617-S). The latter case was ordered remanded following two appeals to the Supreme Court by plaintiff-appellant. The trial court dismissed both actions following consolidated proceedings which commenced on October 1, 2018.

Plaintiff commenced an appeal to the Appellate Court and thereafter moved to transfer the appeal to the Supreme Court, which motion was granted.

### **Specific Facts Upon Which Movant Relies**

Plaintiff has been experiencing technical difficulties with her office technology during the ongoing COVID-19 pandemic and did not become aware of such directives and

requests until June 5, 2020. The requisite documents are being filed contemporaneously with this motion.

**Legal Grounds Upon Which Movant Relies**

This motion is filed pursuant to the authority of Practice Book §60-1 ("Rules to Be Liberally Interpreted").

**THE PLAINTIFF-APPELLANT**



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Nancy Burton  
147 Cross Highway  
Redding CT 06896  
Tel. 203-313-1510  
NancyBurtonCT@aol.com

### **CERTIFICATION**

This is to certify that the plaintiff-appellant's electronically submitted Plaintiff-Appellant's Motion for Leave to File Briefs and Appendices *Nunc Pro Tunc* has been delivered on June 8, 2020 electronically immediately on e-filing to the last-known email address of each counsel of record and *pro se* party for whom an email address has been provided and has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law in accordance with the provisions of Practice Book Section 67-2(g). This is to further certify that the plaintiff-appellant's said motion complies with all applicable rules of appellate procedure in accordance with Practice Book sections 62-7 and 63-3.

Matthew Levine, Esq.  
Assistant Attorney General  
55 Elm Street  
Hartford CT 06106  
Tel. 860-808-5250  
Telefax 860-808-5386  
[Matthew.Levine@ct.gov](mailto:Matthew.Levine@ct.gov)  
[Daniel.Saltpn@ct.gov](mailto:Daniel.Saltpn@ct.gov)

Elizabeth C. Barton, Esq.  
Day Pitney  
242 Trumbull Street  
Hartford CT 06103  
Tel. 860-275-0100  
Telefax 860-275-0343  
[ECBarton@daypitney.com](mailto:ECBarton@daypitney.com)  
[HMBlinderman@daypitney.com](mailto:HMBlinderman@daypitney.com)

